

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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FRANCESCA HEREDIA-CAINES,	:	
Plaintiff,	:	
	:	
	:	
v.	:	Civil No. 5:19-cv-05815-JMG
	:	
LEHIGH VALLEY HOSPITAL, INC.,	:	
Defendant.	:	

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**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS IN PART**

**AND NOW**, this 2<sup>nd</sup> day of September, 2020, upon consideration of the Complaint (Doc. 1), Defendant's Motion to Dismiss (Doc. 11), Plaintiffs' Response to Defendant's Motion to Dismiss (Doc. 12), Defendants' Reply to Plaintiffs' Response to Motion to Dismiss (Doc. 15), and of the Order dated February 25, 2020, reassigning the above-captioned action to the Undersigned, *see* Doc. 4, **IT IS HEREBY ORDERED THAT:**

1. Defendant's Motions to Dismiss the Complaint is GRANTED IN PART.
2. Plaintiff's Title VII claims for acts occurring before July 14, 2018 are DISMISSED without prejudice.
3. Plaintiff's §1981 claims for acts occurring before December 10, 2015 are DISMISSED without prejudice.

4. Plaintiff's claims for liquidated damages and color discrimination are DISMISSED with prejudice. The Court grants Plaintiff leave to file an amended complaint within thirty (30) days of the entry of this Order.<sup>1</sup>

BY THE COURT:

*/s/ John M. Gallagher* \_\_\_\_\_

JOHN M. GALLAGHER

United States District Court Judge

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<sup>1</sup> When a plaintiff fails to state a claim for relief, the Court will permit a curative amendment, so long as it would not be inequitable or futile. Philips v. Cty. of Allegheny, 515 F.3d 224, 245 (3d Cir. 2008).